IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1083 OF 2006
WITH
APPEAL FROM ORDER (ST.) NO. 27484 OF 2006

M/s.Rajesh Builders. ... Appellant.

V/s.

M/s.Galaxy Promoters and
Builders and others. ... Respondents.

S.S.Patwardhan for the appellant.

CORAM: D.B.BHOSALE, J.

DATED: 4th December 2006.

P.C. :

. For the reasons stated in the application, delay is condoned. Civil application is allowed in terms of prayer clause (a).

2. Appeal not on board. It is taken up on board at the request of learned counsel for the appellant.

3. Mr.Patwardhan, learned counsel for the petitioner submits that if the directions are given to the Court below to dispose of Misc.Application No.470/2005 filed by respondent No.1 on 19th July, 2005 within a time-frame, he would not press the present appeal against the

order impugned therein. He made this statement without prejudice to the rights and contentions of the petitioner. Keeping in view the statement made by Mr.Patankar and considering the facts and circumstances of the case, I am satisfied that ends of justice would be met if the directions as prayed for are given to the Court below.

4. Hence, I pass the following order:

ORDER

(a) The trial Court shall dispose of Misc. Application No.470/2005 as expeditiously as possible and in any event within four months from the date of receipt of a copy of this order on merits in accordance with law.

(b) Parties are directed to co-operate the learned Judge to dispose of the aforesaid application within time-frame.

5. Appeal from order, accordingly, stands disposed of.

(D.B.BHOSALE, J.)